IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 348 OF 2006

Laxmichand M. Bulchandani
and ors. ..Petitioners

Vs.

Ulhasnagar Municipal Corporation
and anr. ..Respondents

Mr. S.P. Kanuga with Smt. Sapna N. Nath for petitioners.
Mr. V.D. Patil for respondent no.1.
Mr. Vijay Sonpal, AGP for respondent no.2.

CORAM: B.H. MARLAPALLE & NARESH H. PATIL,JJ.

Date : September 21, 2006.

P.C.:

1. Admittedly, the application filed under Section 45 of the M.R.T.P. 1966 Act has been decided by the respondent-Corporation i.e. Ulhasnagar Municipal Corporation and the said order is appealable under Section 47 of the said Act. When such a statutory remedy is provided by the statute, a writ petition cannot be entertained.

2. However, we have noticed that the petition was registered on 2/12/2002 and it has been pending for

the last about 4 years, the order under Sec.45 of the M.R.T.P. Act has been passed on 26/11/2002 and hence if the petitioners file an appeal under Section 47 within a period of four weeks from today, the same shall be considered and decided on its own merits, but as if filed in time.

3. Petition disposed off accordingly.

(Naresh H. Patil, J.) **(B.H. Marlapalle,J.)**